

FOR THE WESTERN DISTRICT OF WISCONSIN

V.

Defendants.

Case No. 09-CR-092

## PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On August 26, 2009, a federal grand jury sitting in Madison, Wisconsin, returned a superceding indictment against defendant Vernon Thornton. Count 1 charged that the defendant after having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly and unlawfully possessed in or affecting commerce Speer 9mm Luger ammunition; CCI .22 caliber ammunition; Winchester .380 caliber ammunition; and Remington .22 caliber ammunition, said ammunition having previously traveled in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1). Count 2 of the indictment charged that on or about February 26, 2009, the defendant knowingly and intentionally attempted to possess with intent to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 846. Count 3 of the indictment charged that on or about

February 26, 2009, the defendant knowingly and intentionally possessed with intent to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). The indictment also contained a forfeiture allegation for the forfeiture of a 2005 Dodge Dakota Pickup Truck, VIN 1D7HE42N25S122512 by virtue of the commission of the offense charged in Count 2, pursuant to Title 21, United States Code, Section 853.

2. On February 24, 2010, a jury verdict was entered. The jury found the defendant guilty on Count 1, Count 2, and Count 3 of the superseding indictment.

3. On February 24, 2010, a special jury verdict was entered. The jury found the 2005 Dodge Dakota Pickup Truck, VIN 1D7HE42N25S122512, subject to forfeiture to the United States.

IT IS THEREFORE ORDERED:

1. That based upon the special jury verdict, and pursuant to Title 21, United States Code, Section 853 and Rule 32.2 of the Federal Rules of Criminal Procedure, all right, title, and interest of the defendant to the 2005 Dodge Dakota Pickup Truck, VIN 1D7HE42N25S122512, is forfeited to the United States.

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a


legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 25<sup>th</sup> day of March 2010.

  
BARBARA B. CRABB  
Chief United States District Judge